

AMENDED IN ASSEMBLY APRIL 5, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2313**

**Introduced by Assembly Member Correa  
(Coauthor: Assembly Member Lempert)**

February 24, 2000

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An act to amend Sections 52205, 52206, 52209, and 52212 of, to add ~~Section 52213~~ *Sections 52213 and 52214* to, to repeal Sections 52204 and 52208 of, and to repeal and add Section 52211 of, the Education Code, relating to gifted and talented pupils, and making an appropriation therefore.

LEGISLATIVE COUNSEL'S DIGEST

AB 2313, as amended, Correa. Education: gifted and talented pupils.

(1) Under existing law, the Gifted and Talented Pupil Program authorizes school districts that provided a mentally gifted minor program in the 1978–79 school year to participate in that program. Under existing law, the Superintendent of Public Instruction is required to apportion funds to eligible school districts in a specified manner that apportions funds to each participating school district based on a different dollar amount per pupil depending on the number of participating pupils in the program.

This bill would delete those provisions and add provisions that revise the method of apportioning funds for the gifted and talented program so that each participating school district receives a per-pupil amount based on average daily

attendance, determined as specified. The bill would also remove certain restrictions on the use of funds for gifted and talented pupil programs.

(2) Under existing law, the Superintendent of Public Instruction is required to meet certain requirements in administering the Gifted and Talented Program, including giving priority in technical assistance to those districts receiving the greatest increase in funds.

This bill would delete that requirement.

(3) Under existing law, the governing boards of school districts that provide gifted and talented programs may establish programs consisting of special day classes, part-time grouping, enrichment activities, cluster grouping, independent study, acceleration, postsecondary education opportunities, and other program approaches authorized by the governing board of the school district. Existing law provides that if the school district provides any of these programs, it must provide them for a specified amount of time each week.

This bill would instead require that programs for gifted and talented pupils be planned and organized as an integrated differentiated learning experience within the regular school day, and may be augmented with other differentiated activities related to the core curriculum.

(4) Existing law requires the governing board of each school district providing gifted and talented programs to conduct an annual assessment of the program and to develop procedures that ensure the ongoing participation of parents of gifted and talented pupils in the planning and evaluation of those programs.

This bill would delete those provisions. *The bill would instead require a school district, each time it submits an application for renewal of its GATE authorization, to submit a program assessment, in accordance with criteria adopted by the State Board of Education.*

(5) The bill would authorize any school district, county superintendent of schools, or consortium of those entities to apply for funds to establish a resource center for gifted and talented education if the applicant meets certain requirements. The bill would also require the Superintendent

of Public Instruction to select up to 3 agencies to operate resource centers for gifted and talented education. The bill would continuously appropriate \$750,000, on an annual basis, to the Superintendent of Public Instruction for allocation to any school district, county superintendent of schools, or consortium of those entities that is eligible to receive funds under those provisions. *The bill would require that appropriation to be divided equally among the 3 agencies selected to operate those resource centers.*

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52204 of the Education Code is  
2 repealed.  
3 SEC. 2. Section 52205 of the Education Code is  
4 amended to read:  
5 52205. The Superintendent of Public Instruction  
6 shall:  
7 (a) Apportion funds pursuant to this chapter to each  
8 district for which an application to offer programs  
9 pursuant to this chapter has been approved by the State  
10 Board of Education according to this chapter and  
11 regulations adopted by the board.  
12 (b) Assist school district governing boards, upon their  
13 request, to design, implement, and evaluate programs  
14 funded under this chapter.  
15 (c) Ensure that the expenditure of funds authorized  
16 for programs pursuant to this chapter is consistent with  
17 this chapter.  
18 (d) Encourage the development of locally designed,  
19 innovative programs for gifted and talented pupils.  
20 (e) Assist districts in the development and  
21 implementation of staff development programs related  
22 to gifted and talented pupils.  
23 (f) Encourage the development of procedures that  
24 assure the ongoing participation of parents of gifted and  
25 talented pupils in the planning and evaluation of  
26 programs funded pursuant to this chapter.

1 SEC. 3. Section 52206 of the Education Code is  
2 amended to read:

3 52206. (a) The governing boards of school districts  
4 that elect to provide programs pursuant to this chapter  
5 may establish programs for gifted and talented pupils  
6 consisting of special day classes, part-time groupings, and  
7 cluster groupings, consistent with the regulations of the  
8 State Board of Education. These programs shall be  
9 planned and organized as an integrated, differentiated  
10 learning experience within the regular school day, and  
11 may be augmented or supplemented with other  
12 differentiated activities related to the core curriculum  
13 using such strategies as independent study, acceleration,  
14 postsecondary education, and enrichment.

15 (b) Each participating governing board shall  
16 determine the most appropriate curricular components  
17 for participating pupils within its district.

18 (c) For all programs for gifted and talented pupils,  
19 including programs for pupils with high creative  
20 capabilities and talents in the performing and visual arts,  
21 each participating governing board shall concentrate  
22 part of its curriculum on providing participating pupils  
23 with an academic component and, where appropriate,  
24 with instruction in basic skills.

25 SEC. 4. Section 52208 of the Education Code is  
26 repealed.

27 SEC. 5. Section 52209 of the Education Code is  
28 amended to read:

29 52209. The governing board of any school district that  
30 provides a program for gifted and talented pupils  
31 pursuant to this chapter may:

32 (a) Conduct programs, seminars, and classes for gifted  
33 and talented pupils within or without the boundaries of  
34 the school district and, for that purpose, employ  
35 instructors, supervisors, and other personnel and provide  
36 necessary equipment and supplies.

37 (b) Transport or arrange for transportation of pupils to  
38 or from educational institutions where regularly  
39 scheduled programs and classes are being conducted.



1 Attendance of pupils at these programs, seminars, and  
2 classes shall be included in computing the average daily  
3 attendance of the district for the purposes of  
4 apportionments from the State School Fund.

5 Funds provided in support of this chapter shall be used  
6 solely for the purposes of this chapter. Allowances  
7 provided in any fiscal year but not expended in that year  
8 may be expended in subsequent fiscal years.

9 SEC. 6. Section 52211 of the Education Code is  
10 repealed.

11 SEC. 7. Section 52211 is added to the Education Code,  
12 to read:

13 52211. The Superintendent of Public Instruction  
14 shall, beginning in the 2001–02 school year, apportion  
15 funds to school districts pursuant to the provisions of this  
16 section. The superintendent shall perform the following  
17 calculations:

18 (a) Divide the total funding available for gifted and  
19 talented education (GATE) by the statewide total units  
20 of average daily attendance in kindergarten and grades  
21 1 to 12, inclusive, at the second principle apportionment  
22 of the prior year, for all school districts participating in the  
23 GATE program in the current year.

24 (b) Multiply the dollar amount computed in  
25 subdivision (a) by the average daily attendance at the  
26 second principle apportionment of the prior year for each  
27 participating school district.

28 (c) No school district with fewer than 1,500 pupils in  
29 average daily attendance shall receive less to support its  
30 GATE program than two thousand five hundred dollars  
31 (\$2,500) or the amount it received in 1998–99, whichever  
32 is greater.

33 (d) No district shall receive less per average daily  
34 attendance than the amount it received per average daily  
35 attendance in the 1999–2000 school year.

36 (e) The dollar amount in subdivision (c) shall be  
37 increased annually by the percentage inflation  
38 adjustment provided to the revenue limits of unified  
39 school districts of over 1,500 pupils in average daily  
40 attendance.

1 SEC. 8. Section 52212 of the Education Code is  
2 amended to read:

3 52212. (a) (1) Each applicant school district shall  
4 submit an application for approval for a proposed  
5 program for gifted and talented pupils to the State Board  
6 of Education. The application shall be submitted in the  
7 form and manner prescribed by the Superintendent of  
8 Public Instruction. An application shall be approved for  
9 a period of one, two, or three years, or denied, based on  
10 the quality of the plan, in accordance with criteria  
11 adopted by the State Board of Education. Those criteria  
12 shall be reviewed by the board at least once every four  
13 years and shall address, but are not limited to, the  
14 elements of program design, identification, curriculum  
15 and instruction, social and emotional development,  
16 professional development, parent and community  
17 involvement, program assessment and budgeting. The  
18 application shall include budget information including  
19 separate data on identification and program costs, and  
20 any other data required by the Superintendent of Public  
21 Instruction to administer and evaluate the program  
22 effectively. *Each time a school district submits an*  
23 *application for renewal of its GATE authorization, the*  
24 *school district shall submit a program assessment in*  
25 *accordance with criteria adopted by the state board.*

26 (2) Each participating governing board shall maintain  
27 auditable records.

28 (3) Each applicant school district shall designate, in its  
29 application to the State Board of Education, a person with  
30 responsibility for the development, identification  
31 procedure, and implementation of the local program for  
32 gifted and talented pupils, fiscal management, and the  
33 collection of auditable records for the independent  
34 evaluation.

35 (4) Applications for district programs shall be  
36 developed by the State Department of Education and  
37 made available to districts no later than April 1 of each  
38 year. The application shall not be part of the consolidated  
39 application.

(b) Notwithstanding subdivision (a), the state may approve an application for a period of five years, if following a site validation of the application by the department, it determines that the districts's program for gifted and talented pupils is exemplary.

SEC. 9. Section 52213 is added to the Education Code, to read:

52213. (a) Any school district, county superintendent of schools, or consortium of those entities may apply for funds to establish a resource center for gifted and talented education that reviews appropriate education research and provides support and assistance to school district programs for gifted and talented pupils in the geographic region served by the center.

(b) To receive funding for a GATE resource center, a school district, county superintendent, or consortium shall do the following:

(1) Develop a three-year plan for support and development activities, including a proposed budget, based on a systematic assessment of unmet needs of gifted and talented pupils and school personnel in the districts to be served.

(2) Operate the program in conjunction with institutions of higher education, professional organizations, or both, to remain current with valid research and to provide quality staff development and program assistance.

(c) From funds appropriated for this purpose, the Superintendent of Public Instruction shall select up to three agencies to operate resource centers for gifted and talented education. Agencies may be approved for up to a three-year period, subject to funding through the annual Budget Bill.

(d) Notwithstanding Section 13340 of the Government Code, the amount of seven hundred fifty thousand dollars (\$750,000) is hereby continuously appropriated, on an annual basis, from the General Fund to the Superintendent of Public Instruction for allocation to any school district, county superintendent of schools, or consortium of those entities that applies for funding

1 pursuant to this section. *The seven hundred fifty*  
2 *thousand dollars (\$750,000) appropriated annually*  
3 *pursuant to this subdivision shall be divided equally, in*  
4 *the amount of two hundred and fifty thousand dollars*  
5 *(\$250,000), to each of the three resource centers.*

6 SEC. 10. Section 52214 is added to the Education  
7 Code, to read:

8 52214. *The State Department of Education shall*  
9 *conduct an evaluation of the effectiveness of the GATE*  
10 *resource centers funded pursuant to this chapter, using*  
11 *an independent contractor, and shall provide that report*  
12 *to the Legislature on or before January 1, 2006.*

